

#62/86
S-103

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Applicants: Vargas, Jaime; et. al.
Assignee: Cardica, Inc.
Title: Incision Tensioning System and Method for Using the Same
Serial No.: 09/764,218 Filing Date: January 16, 2001
Examiner: Victor X. Nguyen Group Art Unit: 3731
Docket No.: 032405-042

RECEIVED

April 24, 2003

Box Amendment
COMMISSIONER FOR PATENTS
Washington, D.C. 20231

APR 29 2003

TECHNOLOGY CENTER 1400

RESPONSE TO OFFICE ACTION

Dear Sir:

This communication is in response to the Office Action of January 30, 2003.

REMARKS

The Office Action states that “[a]s applicants point out on the applicants’ response from page 3 to page 22, it is clearly indicated that the restriction of Species VII of Invention I is proper according to MPEP 806.04(f) Claims Restricted to Species, by Mutually Exclusive Characteristic.” This statement mischaracterizes Applicant’s Response to Office Action filed on November 8, 2002. For the record, Applicants did not “point out” that the restriction was proper. Indeed, Applicants did not and do not admit that the restriction was proper, and Applicant’s extensive Response to Office Action set forth a thorough analysis explaining why the restriction of Species VII of Invention I was improper.